

ROLLINS F. BAKER AND OTHER EMPLOYEES OF THE
ALASKA RAILROAD

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5578]

The Committee on the Judiciary, to which was referred the bill (H. R. 5578) for the relief of Rollins F. Baker and other employees of the Alaska Railroad, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this private bill is to pay to certain employees of the Alaska Railroad specified sums, in full settlement of all claims against the United States, as reimbursement for personal effects and work tools destroyed as a result of the fire which occurred on January 15, 1951, in the Anchorage Terminal Mechanical Building of the Alaska Railroad which is owned by the United States.

STATEMENT

This bill would authorize the payment of slightly less than \$9,000 to some 57 claimants in amounts varying from \$2.35 to \$1,071.65. These sums represent the amount of losses which each claimant sustained when his personal effects or tools were destroyed by a fire which occurred on January 15, 1951, in the Anchorage Terminal Mechanical Building of the Alaska Railroad.

The fire broke out about 7:45 p. m. in the blacksmith's shop shortly after the employees had left the building for the day. The night watchman had been in this area within half an hour before the fire broke out, and he observed nothing which would have indicated the possibility of a fire. Since the buildings were 25 or 30 years old it only took some 20 minutes for the place to burn. The FBI was on hand immediately

and a thorough check was made to determine whether or not sabotage was involved. That organization was unable to determine the origin of the fire, and no one else has been able to explain the origin of the blaze.

The report of the Department of the Interior states that since the losses sustained by these claimants occurred through no fault of their own, and they involve personal property of the claimants located on Federal property that they should be reimbursed for such losses by the Government. The committee concurs in this recommendation and consequently recommends that this bill be favorably considered.

In a memorandum dated March 20, 1951, the Solicitor of this Department advised counsel for the Alaska Railroad that the Federal Tort Claims Act (28 U. S. C., 1946 ed., Supp. IV, sec. 2672 et seq.) provided no basis for making payment on claims of the Alaska Railroad employees who sustained losses as a result of the fire in the Anchorage Terminal Mechanical Building in the absence of any evidence tending to show (1) that the fire occurred as a result of a negligent or wrongful act or omission upon the part of personnel of the Alaska Railroad while acting within the scope of their employment, or (2) that the failure to place the fire under control before it destroyed the property was chargeable to negligence or misconduct upon the part of the railroad's personnel responsible for fire-fighting measures and activities.

Affidavits have been submitted by the claimants concerning the incident covered by H. R. 5578, listing the property destroyed and the value of such property. These affidavits in duplicate were submitted to the House Judiciary Committee. It should be noted that in several of these affidavits the current value of the articles listed corresponds with the original cost of these articles, and in some affidavits the current value of articles is listed as exceeding original cost. In view of the current inflationary situation there may be considerable justification in not following the usual practice of deducting from the original cost an amount which may be ascribed to depreciation. On the other hand, it is believed that a claimant should not be permitted an appreciation on any of these articles, and in this connection it should be noted that where any affidavit reveals an appreciation, the bill provides for payment of the claim on the basis of the original cost of the articles in question.

The report of the Department of Interior, dated March 10, 1952, is set forth in full below, and attention is directed to pages 201 to 209 of the hearings before the Committee on Appropriations of the United States Senate on the third supplemental appropriation bill for 1951 wherein the proposal to reconstruct the destroyed facilities was discussed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 10, 1952.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: Further reference is made to your request for the views of this Department on H. R. 5578, a bill for the relief of certain employees of the Alaska Railroad.

I recommend that H. R. 5578 be enacted.

The bill would authorize and direct the Secretary of the Treasury to pay to the persons enumerated below the sums specified, in full settlement of all claims against

the Government of the United States, as reimbursement for losses sustained through the destruction of personal effects and work tools by a fire which occurred on January 15, 1951, in the Anchorage Terminal Mechanical Building of the Alaska Railroad: Rollins F. Baker, \$46.45; Claire G. Spensley, \$132.05; Weston A. Hillman, \$401.99; Walter W. Summers, \$199.51; Richard C. Catherwood, \$380.05; Dolores D. Runner, \$2.35; Marcia Zahrobsky, \$10.75; Arthur R. Strong, \$100; Irwin C. Rasmussen, \$50.95; Calvin L. Barr, \$50.95; Everett L. Shroll, \$37.25; Harry A. Johnson, \$38; Eske Eskesen, \$41.60; Clinton R. Jenkins, \$255.75; Richard D. George, \$85.25; Dan A. Kraft, \$42.25; Lemuel J. Smith, Junior, \$54.25; Charles W. Smith, \$94.01; Alvin W. Bratten, \$73.50; Cary D. Everhart, \$536.60; Phillip Kolganko, \$71.90; Billie J. Hubert, \$45.70; Floyd R. Baker, \$46.75; Fred M. George, \$211.20; Botvid L. O. Kallman, \$147.92; Lyle F. McDermott, \$98; Michael A. Jacobs, \$30.70; Fred W. Bender, \$238.47; Duane M. Woods, \$91.50; Richard L. Moyer, \$38.50; Harry R. Rank, \$128; Ann G. Rewolinski, \$212.20; Joseph Fowler, \$30; Guy Williams, \$44.50; Charles S. Somers, \$13.52; David H. Andrews, \$96.50; Eugene W. Johannes, \$22.98; Lewis G. Firmin, \$52.78; Fred W. Nilsen, \$76.40; Andrew E. Dennis, \$111.06; Lester P. Corliss, \$166; Russel W. Goddard, \$176.30; Braham Latch, \$96.55; Eugene McBride, \$44.35; Estel S. Phelps, \$67.32; Albert N. Deary, \$108; Neal E. Osgood, \$244.60; Joseph Schneider, \$97.80; Ralph R. Thomas, \$1,071.65; Robert L. Sellers, \$53.69; Howard E. Michou, \$42.40; C. G. Barnett, \$398.85; William H. Miller, \$147.18; Harvey M. May, \$568.65; William F. Cairns, Junior, \$229.20; Daniel M. Leonard, \$45.50; Donald C. Barnett, \$423.40.

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Affidavits have been submitted by the claimants concerning the incident covered by H. R. 5578, listing the property destroyed and the value of such property. These affidavits in duplicate are enclosed for your consideration. It should be noted that in several of these affidavits the current value of the articles listed corresponds with the original cost of these articles, and in some affidavits the current value of articles is listed as exceeding original cost. In view of the current inflationary situation there may be considerable justification in not following the usual practice of deducting from the original cost an amount which may be ascribed to depreciation. On the other hand, it is believed that a claimant should not be permitted an appreciation on any of these articles, and in this connection it should be noted that where any affidavit reveals an appreciation, the bill provides for payment of the claim on the basis of the original cost of the articles in question.

The claims submitted seem to be reasonable. Since the losses sustained by these claimants occurred through no fault of their own, and as they involve personal property of the claimants located on Federal property, I believe that provision should be made for reimbursement for such losses by the Government.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

DALE E. DOTY,
Assistant Secretary of the Interior.

